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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,499	12/03/2001	Danan Dou	DP-305355	8068

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EXAMINER

MEDINA SANABRIA, MARIBEL

ART UNIT

PAPER NUMBER

1754

DATE MAILED: 08/25/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/006,499

Applicant(s)

DOU, DANAN

Examiner

Marib I Medina

Art Unit

1754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 August 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 15 and 16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### **DETAILED ACTION**

#### **Election/Restrictions**

1. Applicant's election without traverse of Group I, claims 1-14, in Paper No. 6 is acknowledged.
2. Claims 15-16 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 6 (filed on 8/11/03).

#### **Specification**

3. The disclosure is objected to because of the following informalities: In page 5, paragraph [20] the conversions from g/in<sup>3</sup> to g/cc are incorrect, the correct conversions are provided below.
  - a. In lines 4-5, "(16.4 g/cc)" should be changed to --0.06 g/cc--.
  - b. In lines 5-6, "(32.8 g/cc)" should be changed to --0.12 g/cc--.
  - c. In lines 6-7, "(49.2 g/cc)" should be changed to --0.18 g/cc--.
  - d. In line 8, "(164 g/cc)" should be changed to --0.61g/cc--.
  - e. In line 9, "(114.8 g/cc)" should be changed to --0.43 g/cc--.
  - f. In lines 9-10, "(82 g/cc)" should be changed to --0.31 g/cc--.

Appropriate correction is required.

#### **Claim Rejections - 35 USC § 102**

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,459,119 (Abe et al).

Abe et al disclose a catalyst configuration comprising:

- a monolithic carrier (instant substrate)
- a first layer (instant underlayer) disposed on the monolithic carrier (instant substrate), comprising Pd, Pt and combinations thereof (instant first catalyst composition); and
- a second layer (instant overlayer) disposed on the first layer comprising rhodium (instant second catalyst composition) (See col. 8, line 65 to col. 9, line 39 and col. 10, line 51 to col. 11, line 25).

Regarding the limitation of claim 1 that reads "second catalyst composition comprising greater than or equal to about 75% of Rh in the catalyst configuration" Abe et al disclose (catalyst type B) only Rhodium in the second layer, and no rhodium in the first layer, therefore, it meets the instantly claimed limitation since the second layer comprises all the rhodium present in the catalyst composition (100 wt.%).

Regarding claims 2 and 3, Abe et al disclose in col. 5, lines 10-19, that the catalyst can further comprise a rare earth oxide.

Regarding claim 4, Abe et al disclose that the first layer comprises palladium or platinum (See col. 9, line 1) and in col. 11, lines 20-25 disclose that the layers may contain more than one noble metal.

Regarding claim 5, Abe et al disclose that the second layer comprise an outer surface layer comprising rhodium particles (See col. 4, lines 17-24).

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Regarding claims 6-8, Abe et al disclose that the rhodium surface coating layer should have a thickness of  $15\mu\text{m}$  or less, preferably in the range from  $5\text{-}10\mu\text{m}$  (See col. 4, lines 47-53).

Regarding claims 9-11, Abe et al disclose a Rh loading rate in the range from 2.5-15  $\text{g/ft}^3$  (See col. 5, lines 62-64).

Regarding claims 12-14, Abe et al disclose in Table 1, in Example 2, a first coating layer loading of  $0.1\text{ g/cc}$  ( $3.44\text{ g/in}^3$ ) and a second coating layer loading of  $0.06\text{ g/cc}$  ( $0.98\text{ g/in}^3$ ) (See cols. 13-14).

No difference is seen between the instantly claimed catalyst configuration and the catalyst composition or configuration of Abe et al.

### Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maribel Medina whose telephone number is (703) 305-1928. The examiner can normally be reached on Monday through Friday from 8:00 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman can be reached on (703) 308-3837. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

  
Maribel Medina  
Examiner  
Art Unit 1754

MM  
August 18, 2003